

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KHALED SALEM,

Plaintiff,

LANSDELL PROTECTIVE AGENCY, INC.,

Defendant.  
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**05 CV 5518 (MBM)**

**ANSWER**

Defendant Lansdell Protective Agency, Inc. ("Defendant"), having an address of 90 Maiden Lane, 3rd Floor, New York, New York 10038, by its attorneys, Tarter Krinsky & Drogin LLP, as and for its Answer to the Complaint in this action responds as follows:

**PRELIMINARY STATEMENT**

1. Denies the allegations contained in paragraph 1 of the Complaint except to admit Plaintiff was hired as a security officer by Defendant in or around July 1994.

2. Neither admits or denies the allegations set forth in paragraph 2 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**JURISDICTION AND VENUE**

3. Neither admits or denies the allegations set forth in paragraph 3 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

4. Neither admits or denies the allegations set forth in paragraph 4 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

5. Neither admits or denies the allegations set forth in paragraph 5 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects, except to admit that Defendant is located in the Southern District of New York.

**Jury Demand**

6. Acknowledges Plaintiff's request for a jury trial.

**The Parties**

7. Denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 7 of the Complaint, except to admit that Plaintiff was employed by Defendant and assigned to work as a security guard at JFK Airport.

8. Admits the allegations contained in paragraph 8 of the Complaint.

**Factual Allegations**

9. Admits the allegations set forth in paragraph 9 of the Complaint.

10. Denies the allegations set forth in paragraph 10 of the Complaint.

11. Denies the allegations set forth in paragraph 11 of the Complaint.

12. Denies the allegations set forth in paragraph 12 of the Complaint.

13. Denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 13 of the Complaint.

14. Denies the allegations set forth in paragraph 14 of the Complaint.

15. Denies the allegations set forth in paragraph 15 of the Complaint.

16. Denies the allegations set forth in paragraph 16 of the Complaint.

17. Denies the allegations set forth in paragraph 17 of the Complaint.

18. Denies the allegations set forth in paragraph 18 of the Complaint.

19. Denies the allegations set forth in paragraph 19 of the Complaint.

20. Denies the allegations set forth in paragraph 20 of the Complaint.

21. Denies the allegations set forth in paragraph 21 of the Complaint.

22. Denies the allegations set forth in paragraph 22 of the Complaint.

23. Neither admits or denies the allegations set forth in paragraph 23 of the Complaint and respectfully refers the Court to the document that is specifically referenced therein.

24. Denies the allegations set forth in paragraph 24 of the Complaint.

25. Denies the allegations set forth in paragraph 25 of the Complaint.

26. Denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 26 of the Complaint.

27. Denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 27 of the Complaint.

28. Denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 28 of the Complaint.

29. Denies the allegations set forth in paragraph 29 of the Complaint.

30. Denies the allegations set forth in paragraph 30 of the Complaint.

31. Denies the allegations set forth in paragraph 31 of the Complaint.

32. Denies the allegations set forth in paragraph 32 of the Complaint, except to admit that Plaintiff filed a Charge of Discrimination with the EEOC dated July 29, 2002.

33. Denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 33 of the Complaint.

34. Denies the allegations set forth in paragraph 34 of the Complaint.

35. Admits the allegations set forth in paragraph 35 of the Complaint.

36. Denies the allegations set forth in paragraph 36 of the Complaint.

37. Admits the allegations set forth in subparagraphs a-c of paragraph 37 of the Complaint.

38. Admits the allegations set forth in paragraph 38 of the Complaint.

39. Neither admits or denies the allegations set forth in paragraph 39 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

40. Neither admits or denies the allegations set forth in paragraph 40 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**As and for a First Cause of Action**

41. Responding to paragraph 41 of the Complaint, Defendant hereby incorporates its responses to paragraphs 1 through 40, inclusive, with the same force and effect as if fully set forth herein.

42. Neither admits or denies the allegations set forth in paragraph 42 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

43. Neither admits or denies the allegations set forth in paragraph 43 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

44. Neither admits or denies the allegations set forth in paragraph 44 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

45. Neither admits or denies the allegations set forth in paragraph 45 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

46. Neither admits or denies the allegations set forth in paragraph 46 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**As and for a Second Cause of Action**

47. Responding to paragraph 47 of the Complaint, Defendant hereby incorporates its responses to paragraphs 1 through 46, inclusive, with the same force and effect as if fully set forth herein.

48. Neither admits or denies the allegations set forth in paragraph 48 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

49. Neither admits or denies the allegations set forth in paragraph 49 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

50. Neither admits or denies the allegations set forth in paragraph 50 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

51. Neither admits or denies the allegations set forth in paragraph 51 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**As and for a Third Cause of Action**

52. Responding to paragraph 52 of the Complaint, Defendant hereby incorporates its responses to paragraphs 1 through 51, inclusive, with the same force and effect as if fully set forth herein.

53. Neither admits or denies the allegations set forth in paragraph 53 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

54. Neither admits or denies the allegations set forth in paragraph 54 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

55. Neither admits or denies the allegations set forth in paragraph 55 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

56. Neither admits or denies the allegations set forth in paragraph 56 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**As and for a Fourth Cause of Action**

57. Responding to paragraph 57 of the Complaint, Defendant hereby incorporates its responses to paragraphs 1 through 56, inclusive, with the same force and effect as if fully set forth herein.

58. Neither admits or denies the allegations set forth in paragraph 58 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

59. Neither admits or denies the allegations set forth in paragraph 59 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

60. Neither admits or denies the allegations set forth in paragraph 60 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**As and for a Fifth Cause of Action**

61. Responding to paragraph 61 of the Complaint, Defendant hereby incorporates its responses to paragraphs 1 through 60, inclusive, with the same force and effect as if fully set forth herein.

62. Neither admits or denies the allegations set forth in paragraph 62 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

63. Neither admits or denies the allegations set forth in paragraph 63 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

64. Neither admits or denies the allegations set forth in paragraph 64 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

65. Neither admits or denies the allegations set forth in paragraph 65 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**As and for a Sixth Cause of Action**

66. Responding to paragraph 66 of the Complaint, Defendant hereby incorporates its responses to paragraphs 1 through 65, inclusive, with the same force and effect as if fully set forth herein.

67. Neither admits or denies the allegations set forth in paragraph 67 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

68. Neither admits or denies the allegations set forth in paragraph 68 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.



69. Neither admits or denies the allegations set forth in paragraph 69 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**As and for a Seventh Cause of Action**

70. Responding to paragraph 70 of the Complaint, Defendant hereby incorporates its responses to paragraphs 1 through 69, inclusive, with the same force and effect as if fully set forth herein.

71. Neither admits or denies the allegations set forth in paragraph 71 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

72. Neither admits or denies the allegations set forth in paragraph 72 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

73. Neither admits or denies the allegations set forth in paragraph 73 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

74. Neither admits or denies the allegations set forth in paragraph 74 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

75. Neither admits or denies the allegations set forth in paragraph 75 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**As and for an Eighth Cause of Action**

76. Responding to paragraph 76 of the Complaint, Defendant hereby incorporates its responses to paragraphs 1 through 75, inclusive, with the same force and effect as if fully set forth herein.

77. Neither admits or denies the allegations set forth in paragraph 77 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

78. Neither admits or denies the allegations set forth in paragraph 78 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

79. Neither admits or denies the allegations set forth in paragraph 79 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

80. Neither admits or denies the allegations set forth in paragraph 80 of the Complaint, as said paragraph asserts conclusions of law to which no response is required, and denies the allegations in any and all other respects.

**As to the Complaint as a Whole**

81. Denies the allegations set forth in the Complaint that are not specifically admitted herein.

**Affirmative Defenses**

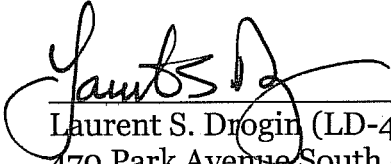
Without admitting any of the allegations contained in the Complaint, Defendant alleges as follows:

1. The Complaint fails to state a claim upon which relief may be granted.
2. Any and all actions in connection with Plaintiff's employment, or separation therefrom, were undertaken by Defendant, with proper justification, for a legitimate, non-discriminatory and/or non-retaliatory purpose and were carried out in a reasonable manner.
3. Any and all actions in connection with Plaintiff's employment, or separation therefrom, were a just and proper exercise of management discretion undertaken for a fair and honest reason and regulated by good faith under the circumstances then existing.
4. Defendant's conduct with respect to Plaintiff was justified and effected in good faith, without malice, fraud, oppression, spite or conscious, reckless or negligent disregard of Plaintiff's rights, if any, and without improper purpose or ill will of any kind.
5. Consistent with the foregoing, Defendant did not directly or indirectly perform or fail to perform any acts, which constitute a violation of rights, if any, of Plaintiff, or a violation of any duty or obligation, if any, owed to Plaintiff.
6. To the extent that Plaintiff has failed to make reasonable efforts to mitigate his damages, any damages awarded to Plaintiff should be reduced accordingly.
7. Plaintiff voluntarily resigned his employment with the Defendant.
8. Plaintiff failed to exhaust his available remedies under the applicable collective bargaining agreement.

**WHEREFORE**, Defendant demands entry of judgment in its favor and against Plaintiff: (i) dismissing the Complaint and each and every cause of action therein with prejudice; (ii) awarding Defendant its attorneys' fees, interest, costs of the suit; and (iii) granting Defendant such other and further relief as the Court deems just and proper.

Dated: New York, New York  
August 30, 2005

**TARTER KRINSKY & DROGIN LLP**  
*Attorneys for Defendant*

By:   
Laurent S. Drogin (LD-4770)  
470 Park Avenue South – 14<sup>th</sup> Floor  
New York, New York 10016  
(212) 481-8585

TO: **KOOB & MAGOOLAGHAN**  
*Attorneys for Plaintiff*  
Attention: Alexander A. Reinert, Esq.  
19 Fulton Street, Suite 408  
New York, New York 10038  
(212) 406-3095